

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**BERNARD HUBBARD**

**PETITIONER**

**V.**

**CAUSE NO. 3:17-CV-53-CWR-FKB**

**SUPERINTENDENT JACQUELYN  
BANKS, *et al.***

**RESPONDENTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court pursuant to the Report and Recommendation (R&R) of United States Magistrate Judge F. Keith Ball, which was signed and entered on January 28, 2020. Docket No. 38. The R&R recommends denying Petitioner Bernard Hubbard's Petition for Writ of Habeas Corpus.

In his objection to the R&R, Hubbard re-urges the arguments he raised in his initial petition. Hubbard also raises a new factual allegation and legal argument for the first time. He alleges that he "was born a girl," so due to his anatomy, he would be unable to complete the crime for which he was convicted. Docket No. 39-2. Additionally, he makes an ineffective assistance of counsel claim. Hubbard's arguments and new assertions are not supported by the record.

Having considered the R&R, the petitioner's objections thereto, applicable statutory and case law, and being otherwise fully advised in the premises, the Court concludes that there has been no showing that the decision is clearly erroneous or contrary to law. *See* Fed. R. Civ. P. 72. Petitioner's objection is without merit. Therefore, this Court hereby adopts, as its own opinion, the R&R of the Magistrate Judge. The petition is denied and dismissed.

**SO ORDERED**, this the 30th day of June, 2020.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE